

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:09-CV-139-RLV-DCK**

CHARLES A. DAVIS,

Plaintiff,

v.

DAVIDSON MORTGAGE, INC.;
SUNTRUST MORTGAGE, INC.;
WASHINGTON MUTUAL; BROCK &
SCOTT PLLC; PATRICK A.
DOUGHERTY, c/o BEN THOMAS,
ESQ.; ELIZABETH EMBRY, ESQ.;
RENA W. TURNER, COURT CLERK;
JOHN DOE #1 THROUGH JOHN DOE
#10,

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* following the filing of Defendant “SunTrust Mortgage, Inc.’s Motion To Dismiss Plaintiff’s Complaint” (Document No. 5) filed March 15, 2010.

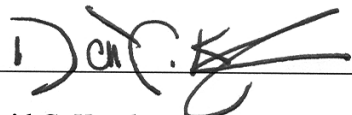
In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Plaintiff, who is proceeding *pro se*, that he has a right to respond to Defendant SunTrust’s Motion to Dismiss. The Court also advises Plaintiff that his failure to respond may result in Defendant SunTrust being granted the relief it seeks, that is, the dismissal of the Complaint. The Court notes that other than the pending motion to dismiss, there has been no activity in this case since it was transferred on December 18, 2009.

IT IS, THEREFORE, ORDERED that Plaintiff shall respond to the pending Motion to Dismiss (Document No. 5) on or before **November 26, 2010**. Failure to file a timely and persuasive

response will likely lead to the dismissal of Plaintiff's claim against Defendant SunTrust Mortgage, Inc.

IT IS FURTHER ORDERED that Plaintiff's failure to respond to the pending motion and/or to otherwise prosecute this lawsuit may lead to its dismissal pursuant to Fed.R.Civ.P. 41(b).

Signed: October 26, 2010



David C. Keesler
United States Magistrate Judge

